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9 **UNITED STATES BANKRUPTCY COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
SAN FRANCISCO DIVISION

11 **In re:**

12 **PG&E CORPORATION,**

13 **- and -**

14 **PACIFIC GAS AND ELECTRIC
COMPANY,**

15 **Debtors.**

- 16 ☐ Affects PG&E Corporation
17 ☐ Affects Pacific Gas and Electric
Company
18 ☒ Affects both Debtors

19 ** All papers shall be filed in the Lead
Case, No. 19-30088 (DM).*

Case No. 19-30088 (DM)

Chapter 11

(Lead Case) (Jointly Administered)

**STATUS CONFERENCE STATEMENT
REGARDING REORGANIZED DEBTORS'
SEVENTY-SIXTH OMNIBUS OBJECTION
TO CLAIMS – CLAIM OF WILLIE & ORA
GREEN (CLAIM NO. 80673)**

[Related to Docket No. 10537]

Date: November 9, 2021

Time: 10:00 a.m. (Pacific Time)

Place: By Zoom Videoconference Only
United States Bankruptcy Court
Courtroom 17, 16th Floor
San Francisco, CA 94102

1 **I. PRELIMINARY STATEMENT**

2 In advance of the November 9, 2021, 10:00 a.m. omnibus hearing (the “**Hearing**”), PG&E
3 Corporation (“**PG&E Corp.**”) and Pacific Gas and Electric Company (the “**Utility**”), as debtors and
4 reorganized debtors (collectively, the “**Debtors**” or the “**Reorganized Debtors**”) in the above-
5 captioned chapter 11 cases (the “**Chapter 11 Cases**”), hereby submit this status conference statement
6 in connection with their objection to the claim of Willie & Ora Green (Claim No. 80673) (the “**Green**
7 **Claim**”) through the *Reorganized Debtors’ Seventy-Sixth Omnibus Objection to Claims (No Liability*
8 */ Passthrough Claims)* [Docket No. 10537] (the “**Omnibus Objection**”)¹.

9 **II. PREVIOUS STATUS CONFERENCE**

10 In the Omnibus Objection, the Reorganized Debtors submitted that they are not liable on the
11 Green Claim because (i) the Greens have not satisfied their burden of proving that the alleged damage
12 to their driveway and garage floor was caused by the construction work of PG&E or its contractor,
13 (ii) the Greens have not proven the amount of their alleged damages, and (iii) the construction work
14 in question was performed not by PG&E, but a third party contractor.

15 On October 19, 2021, the Court held a status conference on the Omnibus Objection, with Mr.
16 and Ms. Green and counsel for the Reorganized Debtors present.² During this status conference, the
17 Court and the parties discussed the alleged investigative report by R Sinclair Group (the “**Alleged**
18 **Report**”) that the Greens had submitted in their responses to the Omnibus Objection.

19 After the October 19 status conference, the Court issued the *Order After Hearing* on
20 October 21, 2021 [Docket No. 11461] (the “**Order**”). In the Order, the Court directed the Greens to
21 obtain a signed declaration from Matthew T. Kisak, P.E., and or a representative of R Sinclair Group,
22 LLC, which, under penalty of perjury, authenticates and supplements (as directed in the Order) the
23 Alleged Report, including by stating that, in his opinion, “the cracks and other damage inside the
24 Green’s garage was caused by [PG&E’s] work.”

25 _____
26 ¹ Capitalized terms used but not defined herein have the meanings ascribed to them in the Seventy-
Sixth Omnibus Objection.

27 ² Prior to the October 19 Status Conference, the Reorganized Debtors filed a Reply brief (the
28 “**Reply**”) and supporting declarations on October 12, 2021 [Docket Nos. 11408, 11409, and 11410],
which are incorporated by reference herein.

1 **III. EVENTS AFTER STATUS CONFERENCE**

2 After entry of the Order, counsel for the Reorganized Debtors contacted the Greens to discuss
3 the Order and potential for settlement of the Green Claim. No settlement has been reached. In their
4 communications with the Reorganized Debtors, the Greens did not indicate whether a new declaration
5 attesting to the report is forthcoming, and as of the filing of this Statement, the Greens have not
6 provided or filed such documentation. After some informal investigation, the Reorganized Debtors
7 have been unable to verify that R Sinclair Group is still in operation, that it ever worked on residential
8 projects such as driveways, where Matthew Kisak is currently employed, or that Mr. Kisak ever
9 worked for R Sinclair Group.

10 **IV. RESOLUTION STATUS**

11 Without an authenticated expert report, the Greens have presented only the potential testimony
12 of Ms. Green as to the issue of whether the Utility caused the damages asserted in the Green Claim
13 (which the Reorganized Debtors submit does not prove causation), and no reliable evidence as to the
14 amount of any damages. For the foregoing reasons, and the reasons set forth in the Omnibus Objection
15 and the declarations filed in support of the Omnibus Objection and the Reply, the Reorganized Debtors
16 respectfully request that the Court sustain the Omnibus Objection and disallow and expunge the Claim.

17 If the record is not sufficient for the Court to disallow the Green Claim in its entirety at this
18 time, the Reorganized Debtors request additional time to develop the record regarding both the
19 causation and damages issue. The Reorganized Debtors recognize that, given the nature of the Green
20 Claim, any additional discovery should be tailored and limited.

21 The Reorganized Debtors look forward to discussing these issues with the Court at the
22 November 9, 2021 hearing.

23
24 Dated: November 5, 2021

KELLER BENVENUTTI KIM LLP

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26 /s/ Thomas B. Rupp

Thomas B. Rupp

27 *Attorneys for Debtors and Reorganized Debtors*
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